

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
CATHOLIC CHARITIES OF THE)
DIOCESE OF HONOLULU, dba)
CATHOLIC CHARITIES HAWAII)
For Temporary Authority for a)
Contract Carrier Permit.)
_____)

DOCKET NO. 04-0074

DECISION AND ORDER NO. 20967

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

2004 MAY -7 A 8:16

RECEIVED

Filed May 6, 2004
At 1:00 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

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Docket No. 04-0074
Decision and Order No. 20967

DECISION AND ORDER

I.

Application for Temporary Authority

CATHOLIC CHARITIES OF THE DIOCESE OF HONOLULU, dba CATHOLIC CHARITIES OF HAWAII ("Applicant"), by application filed on April 19, 2004, requests immediate temporary authority to operate as a contract carrier of passengers, by motor vehicle, in the 8-to-25 passenger classification over irregular routes on the island of Oahu, pursuant to contracts with Queen's Medical Center ("Queen's") and Hawaii Health Systems Corporation ("HHSC"). Applicant makes its request pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

Copies of the application were served on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, which consist of carriers that may be affected by the proposed service, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs.

II.

Findings and Conclusions

For a grant of temporary authority for service by a common or contract carrier, pursuant to HRS § 271-16, an applicant must satisfy two (2) conditions. First, the applicant must establish that there is "an immediate and urgent need" for the proposed temporary service. Second, the applicant must also demonstrate "[an] absence of carrier service capable of meeting the need between points or in the territory where the temporary service will be instituted." See In re Robert's Tours & Transportation, Inc., Decision and Order No. 15274, Docket No. 96-0437 (December 23, 1996). Moreover, the commission may, at its discretion, grant this temporary authority without hearings or other proceedings. HRS § 271-16.

We find that Applicant meets the criteria for temporary authority set forth in HRS § 271-16. Applicant entered into the contract with Queen's on December 9, 2003, to begin the later of January 1, 2004, or when Applicant receives approval to operate as a motor carrier. Applicant entered into the contract with HHSC on March 16, 2004, also to begin the later of March 16, 2004, or when Applicant receives approval to operate as a motor carrier. Queen's would like Applicant to assume the contract transportation services so that Queen's can immediately establish its free transportation service for participants of its senior outreach program. Queen's, furthermore, states that there are no

other commercial vehicle options for obese patients.¹ As well, HHSC states that it is anxious for Applicant to immediately begin providing transportation services to its clients.² We, thus, conclude that Applicant's application should be granted without hearings or other proceedings in this docket.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted temporary authority as a contract carrier in the 8-to-25 passenger classification to provide irregular route transportation services on the island of Oahu, pursuant to contracts with The Queen's Medical Center and Hawaii Health Systems Corporation. The temporary authority shall be valid for no more than 120 days from the date of this decision and order, in accordance with HRS § 271-16. However, the temporary authority may be terminated for good cause including, but not limited to, Applicant's failure to comply with the motor carrier laws or the commission's rules or orders.

2. Applicant shall comply with all of the commission's requirements for contract carriers by motor vehicle, including, but not limited to, paying a fee of \$20 for motor carrier gross revenues and filing the appropriate insurance documents.

¹Letter from Queen's to commission dated April 19, 2004, attached as Exhibit A to the application.


²See Letter dated April 16, 2004 from HHSC to the commission, attached as Exhibit A to the application.

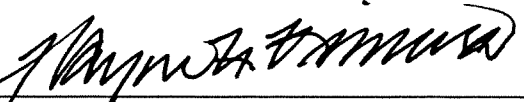
3. Applicant shall comply with the foregoing requirements within 15 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

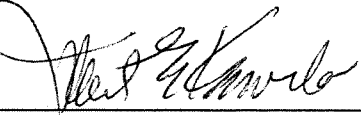
4. Applicant shall not commence operations under this decision and order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 6th day of May, 2004.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

04-0074.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20967 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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Karen Higashi

DATED: May 6, 2004